IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15690 of 2005

Between:

M.M.Reddy, S/o.M.Chinna Obula Reddy,
R/o.D.No.24/4/273, Malepuram, Hindupur, Anantapur district.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Hindupur, Anantapur District.
2 The Divisional Manager, APSRTC, Hindupur, Anantapur District.
3 The Regional Manager, APSRTC, Ananthapur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or order or direction more particularly one in the nature of writ of mandamus, declaring the Proceedings No.M2/2(4)/2000 Hdp dt.6-4-2000 and dt.9-8-2001 of the 1st respondent and confirming the same by the 2nd and 3rd Respondents of their Proceedings No.PA/19(39)/2002-DVM-H dt.5-4-2002 and the Proceedings No.PA/675(136)/02RM-A dt.23-11-2002 respectively as illegal, arbitrary, unjustified, unsustainable, contrary to law and in Violation of principles of natural justice and Violation of Articles 14 and 21 of the Constitution of India and set-aside the same and consequently direct the respondents to add annual increments for a period of 18 eighteen months to the pay of the petitioner.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent which was confirmed by the respondents 2 and 3 where the petitioner was imposed a punishment of withholding of annual increment for a period of 18 months with cumulative effect.

2. It is stated that the petitioner was appointed as a Driver in the respondent-Corporation on 01-08-1998. On the ground that the vehicle driven by the petitioner met with an accident causing death of one bullock, the petitioner was charge-sheeted and was called upon to submit his explanation. The petitioner submitted his explanation, but the first respondent having not satisfied with the explanation, instead of conducting a regular departmental enquiry, imposed a major punishment of withholding of annual increment for a period of 18 months with cumulative effect. The said order imposing the punishment was assailed in the appeal as well as in the revision unsuccessfully. Hence, the present writ petition.

3. The learned counsel for the petitioner contended that imposition of a major penalty without conducting regular departmental enquiry is illegal and without jurisdiction, in the light of the judgments of this Court as well as the Apex Court. Therefore, sought to set aside the impugned order.

4. The learned Standing counsel, however, sought to contend that the original order was passed in the year 2000 and thereafter, even the Revisional authority confirmed the order in the year 2002. Therefore, it is not proper and just to interfere with the impugned order.

5. Heard both sides and considered the material on record.

6. Admittedly, the impugned order, where major penalty was imposed, without conducting regular departmental enquiry is illegal and unsustainable. But in view of the delay and laches on the part of the petitioner in approaching this Court, this Court is of the opinion that the impugned order can be modified only to certain extent.

7 . Therefore, the impugned order of punishment is modified into one of withholding of annual increment for a period of 18 months without cumulative effect. The monetary benefits to which the petitioner is entitled in pursuance of the present order would be only from the date of the present order and it is made clear that the petitioner is not entitled to any monetary benefit prior to the date of present order.

8. The writ petition is accordingly disposed of. No order as to costs.

_____

20th July, 2005 S.ANANDA REDDY, J

SKM

Copy to:

1 The Depot Manager, APSRTC, Hindupur, Anantapur district.

2 The Divisional Manager, APSRTC, Hindupur, Anantapur district.

3 The Regional Manager, APSRTC, Ananthapur, Ananthapur District.

4 Two C.D. Copies.